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CALIFORNIA AND THE COMPROMISE.

SPEECH OF
Mr. T. S. BOCOCK, of Virginia,
IN THE HOUSE OF REPRESENTATIVES,
MONDAY, *June* 3, 1850.

Upon the difficulty between the North and the South upon the Slavery Question.

The House being in Committee of the Whole on the California Message—

Mr. BOCOCK said:

Mr. CHAIRMAN: When I attempted, now many weeks ago, to obtain the floor, I did so, under the belief that I had some remarks to submit, not inappropriate to the condition of the debate as it then stood. But so long has been the period of my probation in getting an opportunity to submit my views, and so great has been the change in the aspect of affairs since I first attempted to do so, that what might then have been not altogether inappropriate, would now appear antiquated, if not antediluvian; and though I shall make some efforts to modernize the views which I shall submit, by examining, to some extent, the compromise recently proposed in the Senate, I must be so candid as to say, that I do not come forward with any high expectation of adding much to the interest felt, or the information possessed on the absorbing questions which are connected with the message under consideration.

Neither do I come into this discussion with another view of which I might by some be suspected. I am a Virginian, connected with that State by every tie of interest, affection, and duty, and certainly desire no higher meed of praise for my public conduct, than that it should be considered worthy of Virginia. Under these circumstances, it may well be supposed that I have not heard with entire composure everything which has been said during the present session, in relation to that time-honored State. Contemptible insinuations and foul aspersions have been freely uttered against her. Some gentlemen have spoken of her, as if they were pouring out from a full heart the accumulated malignity of years. Others have attacked her with such a hearty good-will, as well might lead us to conclude that they were acting under the deliberate conviction, that their only mode of acquiring lasting notoriety was, to attach themselves, even in the character of defamers, with something honorable and respected. There may be wisdom, as the world calls it, in their course. Certainly notoriety has been achieved in an eminent degree by deeds of bad repute.

The unhappy youth who, with impious hand, set fire to the temple of the great Diana, gained what he sought, a place in history, as permanent as that of him who founds an empire. Even the serpents which, floating over the bosom of the waters, attacked Laocoon, the Genius of Trojan liberty, and clasping him in their foul coils, crushed him to death, gained thereby an immortality as lasting as his own. Scarcely less worthy than these, are the men who seek to degrade and injure an unoffending community. Whether such were the only means by which they could gain notoriety, they had to determine for themselves. What has Virginia done? Rather, what has she not done for the Union, and what has she received at its hands? Whatever may be said of the number of her sons who hold offices of labor here under this Government, (and I think there is a great exaggeration about this; for I know of none from the district which I represent,) the State has asked but little, and received but little. What interest of hers has ever been the subject of special protection? What rivers of hers have been cleared—what roads constructed—what harbors improved? On the other hand, she has been taxed for the protection of other interests, for the construction of other roads, for the improvement of other rivers and harbors. Look, then, to the beautiful Northwest, laid out into five States, teeming with an active population, and studded with thriving towns! This was her gift. You solicited it at her hands, and received it by her conveyance, acknowledging in every form her title to it. Now you say you owe her no thanks, because it was never hers. Look to your battle-fields, nearly all of which are white with the mouldering bones of her slaveholding sons. You admired their prowess and praised their heroism once; now you say that they lived in habitual crime. Behold where sleep the long line of her Presidents—her Washington, her Jefferson, her Madison, her Monroe! You sought their services in council then; you say now that the election of each was a sectional triumph—a slave victory. So long, you say, with complaint, did the South hold the Government! You were too kind then, or you are unjust now. But Virginia will go on unchecked in her course, and undimned in any lustre she may possess. When the bright travelers of the heavens shall be retarded or annoyed, because curs and spaniels bay and bark at them, then it will be necessary to protect Virginia against such assaults and such assailants. She needs no defence now. Her spirit sits self-possessed amid her mountains and her valleys, and unfolding to her sons the scroll of her past history, she proclaims, with affectionate warning, "*Sic itur ad astra.*"

I come not forward, I repeat for the purpose of defending her now. I have simply desired to add my suggestions to those which have been made by others, in reference to the critical condition of the country, and the best way to rescue it. These suggestions may appear humble enough. Indeed, Mr. Chairman, when I think of the contests for the floor which prevail here, and the unimportant use to which it is put when obtained, perhaps, most especially in my own case, I am very forcibly reminded of a custom which once prevailed, and perhaps does still, in the markets of the East. The venders of fruit proceeding into the midst of the market place, cry out with a loud voice, "In the name of the Prophet, in the name of the Prophet—*figs*." But though we may have nothing better than figs to offer, we are all disposed to believe, that there may be some peculiar merit in our own figs, which will make them serviceable, if not to the country, at least to our own districts.

Without further preface I proceed to the subject in hand. It has been charged, Mr. Chairman, on this floor and elsewhere, that the excitement which has existed, and to some extent still does exist in this House, and in the country, on the slavery agitation, has been mainly the result of a party agitation gotten up and continued with a view to weaken and embarrass the present Administration of the Executive Department of the Government. This is a grievous charge, whether we consider the enormity of the means represented to have been used, or the littleness of the purpose for which they are said to have been employed. The sum of the charge is, that the Democratic party of this country, forgetful of every obligation owed to themselves, to the Constitution, and to the country at large, have been willing to inflame the public passions, to array one section of the Union against the other, and to weaken if not destroy the very bonds themselves which bind the Union together, solely for the purpose of weakening and embarrassing this Administration. Now, sir, if we look to the speeches of Whig Senators, to the givings-out of Whig letter-writers, and to the angry collisions among different branches of the Whigs everywhere, we shall be apt to conclude that no such exertions, even if legitimate, were necessary on the part of the Democrats for this purpose. The Whigs will accomplish it themselves.

But, sir, is this charge true? If it is, we may expect to find upon a review of the history of the country, that the agitation, so to call it, begun at some time subsequent to the election of the present Chief Magistrate, and has been carried on by the Democratic party ever since. Do gentlemen forget, or do they imagine that the country has forgotten? Had we no compromise committee in the Senate of the last Congress, raised on the solemn motion of the gentleman who now fills the first place in the gift of the present Executive? Did he not, as chairman of that committee, make a report, which gave rise to a most interesting discussion, and to long and anxious sittings in the Senate, one of which at least lasted throughout the watches of the night? Did we have here no scenes of excitement, or, as gentlemen would call it, agitation? Surely we all know that we did.

But coming down to the present session of Congress, who have made the strongest and the boldest speeches on this floor in defence of Southern rights and against Northern aggression? Certainly among them have been the distinguished gentlemen from Georgia, [Mr. TOOMBS] and from North Carolina, [Mr. CLINGMAN,] and my gallant friend from Florida, [Mr. CABELL.] And have they all united in a Democratic agitation with a view to weaken and embarrass this Administration? While I would gladly welcome them into the Democratic ranks, and predict for them there, with their talents exerted in a good cause, a higher distinction than they can otherwise gain, yet, sir, I respect them too much to intimate any belief that party considerations have in this case influenced them. Even this Nashville Convention itself, the advanced post in this Southern movement, whence had that its origin? If I am not greatly mistaken it sprung from a convention in the State of Mississippi, composed of Whigs and Democrats alike, over which a distinguished Whig judge presided. And have all these united in a Democratic agitation with a view to weaken and embarrass this Administration? And is this the Administration whose advent was to be as when one proclaimeth glad tidings? which was to give repose and quiet to the country? under whose uplifted flag all sections, all classes, and all parties were, like the waters of Avoca, to mingle in place? Is this the mighty Neptune, whose trident was to be uplifted, and lo! the waves of popular commotion were to sink to rest? "If this be he, alas how fallen!"

But, sir, the history of the country will in fact show, that this excitement commenced when the notorious gentleman from Pennsylvania [Mr. WILMOT] introduced into this House his famous (or, if not unparliamentary, I might say, his infamous) Proviso as an amendment to the three million bill. Since then, as that proviso and other kindred measures have been constantly pressed, the excitement has increased, until it has become all-prevading. It is true, that some Southern Whigs have shown themselves disposed not to take sides with their own section, but rather against it in this controversy, and thus have entitled themselves to be called, by those who like the word (I detest it) Southern doughfaces! I believe that this term has been thrown in the teeth of certain conservative Northern gentlemen for the purpose of deterring them from pursuing a liberal course lest it might inure to the benefit of the party to which they belong. But admit that a Northern doughface is all that his enemies charge, then a Southern doughface is as much worse than a Northern one, as it is worse to abandon a week section, to which we owe duty, for the strong one, than to quit a strong section for a weak one. But enough gallant patriots have been found among the Whigs ready to stand by the cause of the injured South to redeem that party from any sweeping or general condemnation, and the cause from the charge of being a *Democratic agitation!* I am surprised that a charge so unsustained should have been made. My surprise could only be increased by the assurance that one man beyond those who make it, put faith in it. To investigate fully whether the excitement which prevails is well or ill founded, would require me to consume all my time upon the question, whether the course of the North towards the South has been one of aggression or not. As that field has been already occupied far better than I could hope to do it, and as there are other topics connected with this subject which I wish to present, I will only so far touch upon this branch of the subject as to subserve another purpose, that is, to show how far the North has observed the compromises which she has made with the South. The differences which arose in the Federal Convention on the subject of slavery were adjusted by compromise. The result of this compromise was, that three clauses were inserted in the Constitution on the subject of slavery. One provided that the slave trade should not be abolished prior to the year 1808. This met the views and promoted the interests, as they thought, of the extreme North as well as of the extreme South. Virginia and the middle States opposed it. The right of capturing slaves on the coast of Africa, or purchasing them up and bringing them to this country, was enjoyed to their hearts' content by the New England adventurers under this clause. The States that had opposed it offered no impediments, because it was a constitutional guarantee.

Another clause in the Constitution stipulated that persons held to service or labor in one State, escaping into another, "shall be *delivered up*." This was exclusively for the benefit of the slaveholding States; and what, I ask, has become of it? Nearly all candid men admit that it has become in effect a nullity—and some Northern gentlemen tell me, it must remain so. Yes, sir, a right solemnly guarantied to the South, and "without which the Union would never have been formed," is to be practically enjoyed by us no longer; the Constitution to this extent is to be nullified, and slaves escaping to our sister States are to be withheld, instead of being *delivered up*.

In addition to the two clauses about slavery already mentioned, one other was inserted in the Federal Constitution. It is the well-known provision about taxation and representation, containing in itself a compromise, which, though still carried out, is an eyesore to the North, which she has appeared long anxious to get rid of. How bitterly they talk of slave representation!

Besides these, nothing else was said in the Constitution on the subject; and I think myself authorized to infer, not from the proceedings of the Convention alone, but from the action of the Government for years after the Constitution went into operation, that here it was supposed by all, the power of Congress over the subject ceased. In 1788 and '89, only a year or two after the Constitution was framed, Virginia and Maryland ceded to the United States ten miles square on the Potomac, as a site for the General Government. The district of country thus ceded, was peopled with their own fellow-citizens, holding slave property like themselves. Does any man imagine that they would have surrendered them up, to run the hazard of being stripped of their property at the option of the Representatives from other States? Would Virginia and Maryland have incurred the risk of their kindness being turned into a curse against themselves, by having this District converted into a den of refuge for fugitive slaves—a magazine whence incendiary publications, fire-brands, and death, might be scattered broadcast over the South? No, sir, it is impossible. Then why was nothing stipulated on the subject? Simply because it was not dreamed for long years afterwards that Congress would claim the power to abolish slavery anywhere, directly or indirectly. This is the only reasonable supposition that occurs to me.

Well, sir, in 1803, the United States acquired from France the territory of Louisiana, for the good of the North as well as of the South, and by Northern votes as well as Southern. Of the sixteen Senators from the northern States, eleven voted for it and five against it, more than two-thirds being in its favor. It was a large tract of country, over all of which laws prevailed tolerating slavery. Yet, sir, no effort was made to abolish or prohibit it, in the treaty, or in the laws establishing territorial governments in it, until 1819, when Missouri applied for admission into the Union. Then for the first time the claim was asserted, boldly, stoutly, roundly asserted.* The patent nostrum had had had not been at that time invented, that soil received as slave soil should remain so, and that soil received as free soil should remain free. That nostrum did not suit the stomach of the majority then. The most wise and sagacious statesman of the country undertook then to explain the reason of this claim on the part of the North, and I do not know that his hypothesis was ever discredited. This was his colation: The Federal party, living chiefly in the North, had been beaten by the Republican party, most of whom were in the South, in every pitched battle. But though beaten they had not been routed; though vanquished they had not been anhilated.

Gathering new energy and courage from defeat, they seized upon this ground, and determined here to make a last desperate effort to gain that ascendancy which till then they had been ever unable to obtain. Well might this claim, thus asserted, have fallen upon the ear of even Jefferson, who was not too partial to the peculiar institution, like the sound of a fire-bell at night. He saw in it dangers unspeakable, some of which have already fallen upon the country. To his eye it hung over the future prospects of the country like a dark cloud, in whose baleful shade, dangers increased and multiplied, and in the wild madness of approaching power, danced and rioted like witches on Walpurgis night.

But, sir, a compromise intervened, and these dangers appeared to vanish, and the cloud to roll gracefully away. The line of 36 deg. 30 min. was established as the boundary between slaveholding territory and free-soil. And many fondly hoped that the dread question was forever settled. By this compromise the North took from the South nine hundred and seventy thousand square miles out of one million three hundred and fifty thousand—nearly three-fourths of Louisiana territory, acquired as slave territory. But, sir, upon the altar of the country, the South made the surrender as a peace-offering. And though the compromise was thus injurious to her, when made she determined to carry it out, in all its spirit, and to the letter. When Texas was annexed, laws allowing slavery prevailed over her whole extent. But the South agreed to run the line of 36 deg. 30 min. through her limits to be the boundary between the slave States and free States which might be formed out of her territory.

When Oregon was to be provided with a territorial government, the South agreed that the North might take it without a word, if she would consent to take it as a reassertion of the Missouri Compromise line. And when the North refused so to take it, but claimed it by the strong arm of power, many Southern men—the late President of the United States among them—thought best themselves to adhere to this line and give it up, without a serious contest. Now, a considerable amount of territory has been acquired of Mexico, a larger part of which is North of 36 deg. 30 min., and some South of that line. Does the North adhere to the line, or propose any division whatsoever of the territory? No, sir, she does not. Almost the entire North declare that they are opposed to slavery going to any part of that territory. And of the various propositions, pending either in this body or the Senate, for settling the question, every one appears to me to be founded upon the idea that the North is to get all and the South nothing. My examination of them must be brief. There is, first, the Wilmot Proviso scheme, which proposes at once to declare by act of Congress, that slavery shall go to no part of this territory. It proposes, at one bold, ruffian-like blow to take our heads off. It is ruffian-like, but it is open. There is, next, what is called the President's plan, as announced in the California message. This proposes to admit California in all her length and breadth, with a prohibition of slavery contained in her Constitution. And as to the territories, it proposes to leave them under their present form of government,) if form may be predicated of that which form has none,) until they shall make State constitutions likewise.

This is called a "*non-action policy.*" It is a policy of non-action on the part of Congress, but is it non-action everywhere? The government existing in New Mexico is based mainly upon military rule, the military governor receiving his appointment and authority from the Executive of the United States, who is the corner-stone of the whole structure. The Administration proclaims, through the Secretary of State, that the laws of Mexico, regulating the relations of persons with each other, is still in force there. Then this is not a policy of non-action, but an Executive anti-slavery prohibition is proclaimed there which will as effectually prevent slaves from going to those territories as the Wilmot Proviso itself. The State constitution, when formed, will be formed by anti-slavery settlers, and of course will be anti-slavery. The policy, then, effectually excludes the South from all participation in these territories. I know that I have been guilty of what may appear to some almost as sacrilege, by speaking thus freely of the President's plan and the Executive course. They say we are exciting party feeling by doing so. Well, sir, will they criticise, and if necessary disapprove the conduct of the President? Oh, no; he is their President, and they look to him, perhaps, for place and promotion. To their vision, in his mouth is the gift of promising, and in his right hand is the horn of plenty. Then they will not, and we must not examine into his conduct; and however injurious, therefore, to the interests of our constituents may be his acts and recommendations, they are to be passed over in silence. This doctrine will not do for freemen, or the representatives of freemen. We claim the right freely and impartially to examine into the public acts of our public servants, however distinguished or exalted. I have not intended to do either more or less.

Next we come to the compromise, or, as its friends delight to call it, "the plan of adjustment," reported to the Senate by the Committee of Thirteen. This commences by providing for the admission of California as a State, in all her length and breadth, with the prohibition of slavery contained in her constitution. Thus far it is identical with the President's plan; but in regard to the Territories of New Mexico and Utah it differs. It provides for them, as the phrase goes, territorial governments, without the *proviso.* But, sir, does it leave to the South any chance whatsoever to enjoy any part of these territories? The Mexican laws are not repealed, and no assurance whatever is given us that our property shall be secure there. The very distinguished chairman of the committee who reported this plan, has repeatedly declared his belief that those territories are closed to the admission of slaves; and if so closed, must remain so. In the report introducing these compromise propositions, it is stated that "there was never any occasion for it (the proviso) to accomplish the professed odject with which it was originally offered." And again: "The proviso is, as to all these regions in common, a mere abstraction." And, sir, really this view seems to be carried out in the plan of adjustment, so far as it relates to the territories. In order to maintain their property there, the South would have, first, to meet the question of the continued existence of Mexican laws. That being decided in her favor—if it should be, and I think it ought—then would arise the question whether slavery is the creature of positive, municipal law. She would be told that there was no positive law there tolerating slavery, and would insist on her part that such law was not necessary for its legal existence. Supposing this also to be decided in her favor, what comes next? We have struggled through these difficulties with much ado, and a few slaves, perhaps, go there. There is among many of the citizens a strong anti-slavery prejudice. They entice slaves away from their masters; they aid them in making their escape from the country; they do a thousand things to render the tenure by which they are held insecure, and their value worthless. It is not theft, and under the clause inserted in the territorial bills by the committee, no laws could be passed by the territorial legislature to punish these offences, for it is prohibited from passing any law "in respect to African slavery."

But let the amendment offered in the Senate, giving such a power to the territorial legislatures pass. Then all these difficulties are supposed to have been met and vanquished, and slaves are slowly getting into Mexico. What then? Is the power of Congress exhausted when she gives a territorial government? By no means. On the contrary, she has the power to amend that territorial government whenever she chooses. If she has the power now to pass the Proviso, she will have it then; and looking to the report of the committee, it may then with apparent propriety be passed. The reason there given for not passing it now is—not that it is unconstitutional—not that it is unjust—but simply that there is no occasion for it. If the only reason for not passing the Proviso now is, that it is not necessary, (and that is the one insisted on,) of course if it were necessary it would be right to pass it, and whenever it does become necessary. Here, then, is an end to all our hopes. But not content to give up all of the territory from Mexico by the late treaty of Guadalupe Hidalgo, it goes further in its career of adjustment. It adjusts away from the South about one-third of Texas which she already has.

My view of the resolutions annexing Texas to the United States is this: Texas was admitted claiming certain boundaries; the United States had no care how large they were, provided no injustice was done to other nations. If Texas had claimed to the Salt Lake, and no other nation had set up a counter-claim, she would have been entitled to retain those boundaries. Mexico did set up a counter-claim to a portion of the territory claimed by Texas, and the United States representing Texas, had authority to make concessions to Mexico in adjusting the boundary with her. And here her power ceased; she did not exercise that power, and consequently the claim of Texas remained just as if the United States had not reserved any such authority over her limits! It was in effect a contract between the United States and Texas, stipulating that Texas should have the territory she claimed, unless upon a particular condition some of it should be given up. This condition, however, never having happened, the contract is left absolute. But apart from all this, the annexation resolutions provide for territory in Texas north of 36 deg. 30 min.; this plan of adjustment cuts her down to about 31 deg. It takes, indeed, for New Mexico a great deal of territory, which was, by the maps, never included in that province while a part of the Mexican Republic. Nor does it stop here in its career of adjustment; it contemplates adjusting away a sum supposed to be about fifteen millions of dollars, of which the South must pay her share. To this, then, we come. All the territory acquired from Mexico is given up, and not content with that, two States as large as Mississippi, out of Texas south of 36 deg. 30 min., are given up, also; and for this privilege of being thus fleeced, we are to pay our part of fifteen millions of dollars. But the tale of our wrongs is not yet told. We are also to permit the slave trade to be abolished in the District of Columbia, by allowing Congress to liberate slaves on certain conditions. The power to abolish slavery in the District would thereby be conceded utterly, because the condition is a mere matter of whim, and can be varied at any time.

As to the fugitive slave bill, proposed as a part of this plan of adjustment, the best thing that I have heard said in its favor is, that it leaves us still the law of '93, which we have all along had. It does not take that away. If it did, and left us solely to its own provisions, we should be badly off indeed. And such is to be the end of our State resolves, of our brave declarations, and of our Nashville Conventions. Though said thousands of times before, never were more applicable the words of Shakspeare, "Oh most lame and impotent conclusion." When the King of France, with forty thousand men, marched up the hill and then marched down again, he made a creditable performance—a brilliant manœuvre, indeed, compared to what this would be.

My objections to voting for the admission of California as a State, under her present constitution, if not absolutely insuperable, are very great. If the citizens of that territory, acting by virtue of authority regularly granted, and in pursuance of prescribed form, had made a constitution excluding slavery, we could but have acquiesced. But this constitution is based upon usurpation and revolution. At the ratification of the treaty of Guadalupe Hidalgo, the sovereignty over this territory passed into the people of the several States. They could have ceded it, or any part of it, away again immediately to raise the money to be paid to Mexico. From them that sovereignty could never pass except by their consent given by their agents or by revolution. Their consent has never been given; but on the contrary has been refused, expressly at the time when the last Congress refused to pass a bill to allow the people of California to form a State Constitution. It is, then, a case of revolution. And made by whom? If by citizens owning the soil and regularly settled in the country, it might to some extent be palliated.

But it has been to a considerable extent by wanderers and sojourners—men who had temporarily left their homes elsewhere, to repair their fortunes out of the gold of the United States, and then to return again. Many of them have returned to the United States already, as I understand, and doubtless had the intent to do so while sitting in the California Convention. Such persons, usurping an authority not granted to them, have undertaken to mould the organic law of the country over which they wandered, and of much more that they had not seen, and in so moulding the organic law have excluded our rights therein. And doubtless one consideration which operated to induce them to do so, was the fear that otherwise a northern majority would not admit the State into the Union. So that revolution there, with agitation and threats here; will have effectually excluded us from a country acquired by the common blood and treasure, and peculiarly adapted at present to our institutions. Mr. CLAY says very truly, in his repot introducing his compromise, "California, of all our recent territorial acquisitions from Mexico, was that in which, if anywhere within them, the introduction of slavery was most likely to take place." And I will add the opinion, derived from information considered good, that even now, if all improper restraints and influences were withdrawn, the introduction of slavery there would take place. I forbear to draw any picture of the effect of such introduction upon the condition of the South. It is clear that it would be highly beneficial.

Now, sir, it is needless for me to argue that this territory, being the property of the people of the United States, it was for their Representatives to determine when, and by whom, and over how much of that territory a new authority should be established. It was for Congress to say when a State constitution should be formed in California, who should be the voters, and what should be the bounds of the new State.

Gentlemen talk a great deal about the right of the people there to govern themselves. Did they not go there, most of them, to occupy deliberately territory which they knew belonged to all the people of the United States? But unless defined by law, who shall say who are the people that should govern themselves? Shall women be included, or boys, or, foreigners, or idiots, or the insane? If these classes are to be excluded, who excludes them unless the competent law-making power? Did the first hundred who went there constitute a people who could exercise sovereignty over the whole territory? As applicable to this subject, I beg leave to quote a passage from a speech delivered by the Hon. Daniel Webster, in 1848, in the Supreme Court of the United States, on the Rhode Island case. He said:

"Is it not obvious enough that men cannot get together and count themselves and say we are so many hundreds, and so many thousands, and judge of their own qualifications, and call themselves *the people*, and set up a government?" "What is this but anarchy?"

Well, sir, neither the President of the United States nor General Riley had authority to take the place of the law-making power. It does not in the slightest degree tend to reconcile me to this revolutionary movement, that it has been approved and was encouraged by the President of the United States. If he whose duty it was, to the extent of his authority, to maintain the rights of the United States, has encouraged their invasion—if, when Congress, the proper authority, had refused to the people of California the right to take the sovereignty over that territory, he encourages them to do so—if at a time when every man of reflection in the country might have known, and at least one member of his Cabinet believed, that the verdict would be against the South, he encourages a measure by which the verdict must of necessity be rendered—then, sir, these considerations tend rather to increase than diminish my objections to sanctioning this movement.

Omitting now the question of the power of Congress to admit a State with two representatives, without an enumeration of her inhabitants, to prove that she is constitutionally entitled to them, I think I have shown strong grounds of opposition to the admission of California. Indeed, I fear if we sanction all this irregularity and usurpation, Congress may surrender all authority over any territory hereafter. It would certainly, therefore, require some strong equivalent to make me willing to sanction it, and it is needless for me to say that such equivalent is not given in a series of measures to each of which in itself I should be opposed. This is my estimate of this compromise, and upon it I must act. I shall not complain if other gentlemen view it differently. Some for whom I have high respect seem to do so. They must act upon their own views of propriety. But if they seek, by the power of pertinacity or by the weight of authority, to compel us to act upon their convictions instead of our own, I tell them for myself, once for all, their labor is in vain. Gentlemen may go on. They may roll upon our ears the thunders of the press; they may flash before our eyes the fictitious lightning of a made-up public opinion; they may pile up their letters mountain high; they may heap Pelion upon Ossa, and Ossa upon Olympus, until they scale the heavens—my course is clear. Anchored upon a conscientious conviction of duty, no storm will shake me, and no perils move. There is one voice that I shall ever respect. When a voice shall come from my constituents, and come I think it never will, requiring my support for such a measure, it will then be time enough for me to decide whether I shall obey, or seek in retirement and in the walks or private life that self-respect which I could nevef hope to retain if I yielded my honest convictions of duty to any stress or weight of influence whatsoever. I have spoken of this compromise as it is; how it may be altered, of course I know not, and consequently cannot say what effect those alterations may have upon my judgment. To gain my support for the measure, they must be neither unimpartial nor trivial. I am willing to vote for any fair compromise, but I am not commissioned to make a surrender. I am sincerely desirous, if possible, to see the question settled, but it is too much to ask that the South should be sacrificed by her own votes. When you ask that, I say, at once, "I don't go for it." I think I have shown that every plan now under consideration for settling the question of slavery in our newly acquired territories is based upon the idea that the South is to get nothing, and the North everything.

Now, Mr. Chairman, if you ask whether there has been aggression, I refer you to the general understanding of the country a few years ago. Was it not universally understood that the line of 36° 30' was to be the line of adjustment and division on this subject between the free and slave States, until a very few years ago? I ask the Northern gentlemen if it was not so with the Northen people? Even as late as February 1, 1845, the distinguished gentleman from Massachusetts, [Mr. WINTHROP,] in a speech delivered here, and quoted again by himself a few days since, said, speaking in relation to Oregon, a territory not coming strictly under the express terms of the Missouri Compromise—"It seems to be understood that this institution is to be limited by the terms of the Missouri Compromise, and is nowhere to be permitted in the American Union above the latitude of 36° 30'." From this it is clearly inferrible that it was not to be restricted South, and was of course aimed more especially at her. Well, sir, we should deplore very deeply the occurrence of such an event. But it behooves us to say, that between dishonor and danger the choice is easy, and if those regiments should ever come down upon us, we would endeavor to be true to our ancient reputation. We should seek to mingle hospitality with our resistance. We would give them, as far as we could, a warm welcome, such a welcome as a distinguished Senator from Ohio said, that he, if a Mexican, would give the Americans—"with bloody hands to hospitable graves."

Then, sir, there has been a class of threats, ushered in by the member from Massachusetts, (Mr. MANN.) In a speech, delivered here on the 15th of February, 1850, he uses the following language:

"Perhaps the dissolution of the Union is the means fore-ordained by God for the extinction of slavery; and did I not foresee its doom before any very long period shall have elapsed, without the unspeakable horrors of a civil and servile war, I cannot say to what conclusions the above considerations would lead my own mind."

Most amiable gentleman! He gives us to understand that if he did not think that slavery in our limits would, "before any very long period," fall, by this agitation, I suppose he does not know that he would not be willing to accomplish that result by disunion, servile and civil war.

Servile and civil war are united in his picture. He intimates that the Northern men and the slaves, would unite in making war upon us. Fit allies, this passage shows that such as he would be, for negroes in the work of a midnight massacre of sleeping women and children. We would not fear him elsewhere!

Having shown from what quarter the threats have come, I proceed, with far more brevity than I once intended, to examine how far force can be able to preserve the Union.

I say, then, first, that the idea presents a moral impossibility. Say that a number of States think proper to withdraw from the Union, and you march force against them and subdue them, you cannot subdue their will, and compel them to choose senators and representatives in Congress. If they do not participate in your government, they are subject to laws in the making of which they have no part.

They are no longer sovereign States, but conquered and subject provinces; and your union of sovereign States is of course broken. But let me tell you more, you would not escape yourselves. It would at any rate require a large army stationed in the South to maintain your authority over your conquered provinces. Yearly recruits in large numbers would be called for to supply the ranks. You remember the story of the fabled Minotaur, to which the flower of the Grecian youth were yearly offered up as a sacrifice. Your Southern army would be a sad reality, a thousand-fold worse than all that was ever said of the fabled Minotaur. Thousands yearly would be the number of your best young men that it would drain from you. And behold the end! It is maintained in the field for years; success is supposed to have crowned its exertions; on ambitious general who has led it on from victory to victory, is at its head; mad ambition seizes him and military pride inflames his army; they turn back upon you and subdue you in turn, and so out of the dark abyss of civil war, the demon of military despotism emerges, and rules over all.

But the idea of preserving the Union by force, involves further a political wrong. You have no right to employ force against a sovereign State, should she resolve to leave the Union. Ours is a peculiar form of government. I admit that if a part of an aggregate, sovereign community rebels, the government of the community has the right to reduce it to subjection. But our government is not based on an aggregate political community; it is founded on a union of a number of sovereign States. The Constitution was adopted by each State for itself; it is sustained by State action; Senators, Representatives, and Presidential Electors, being all chosen by States. It is to be amended, if at all, by State action; State organization is in all, and under all. The General Government being the creature of the *several* States, should it attack one of them, it would be the creature attacking the creator. But to make the point clearer still: Each State has over it two governments, both adopted by its own action. One is the State government, which acts only upon the State itself; the other is the federal government, acting upon the other States also. The latter government makes the supreme law of the land, while circumscribed in its action by constitutional limits.

But in matters not placed by the Constitution of the United States under the control of the General Government, nor denied to the States, the State Governments make the supreme law for their own lands, respectively. State laws are as supreme in their limits, where not in conflict with the United States Constitution, as the laws of Congress are when made in pursuance of that instrument. Now suppose a difference of opinion between these two sets of agents, as to whether a particular power lies properly in the scope of the one, or the other; who shall decide? To give to either set of agents the right to decide, is to make its will the only limit to its own power. You must refer the dispute to the arbitrament of the sovereign. Now it is the great American doctrine that the soverignty under our system is in the people, and the only remaining question is, who are the sovereign people? Not the people of the United States in the aggregate, for there are no such people. In what one respept, or for what one purpose are the people of the United States ever aggregated? Not one. Then sovereign people are the people of the States severally; they therefore have the right to make or unmake governments for themselves.

The idea of maintaining the Union by force, if the Southern States should think themselves called upon to withdraw, would imply lastly a physical impossibility. You would be physically unable to subdue those States. The very idea of the question being put to the test is shocking to every feeling of our nature; and the calculation of the chances of the result has something in it much akin to the calculation of the chances whether one should win or loose in a death struggle with a near relation. But a bold practice is often necessary for a rapid and malignant disease. I do not intend to imitate a bad example, and draw any disparaging comparison between northern and southern valor. Whenever it becomes necessary, it will be easily shown that it is no more in conformity with true history than with good taste, to charge that the military history of the South is less brilliant than that of the North. I go upon the admission that a proper share of valor is possessed by both regions, and yet contend that it would be impossible to subdue the South. Though numerically wearker than the north, she is in that respectq uite strong. She is supposed to have about nine millions of people, three millions of which are set down as slaves.

Of the six milions which remain, take one-half, or three millions, as males. Of these, take again one-half as being of military age, neither too old nor too young, and from the remaining million and a half, deduct one-sixth as non-combatants, from infirmity or from any other cause. This leaves us 1,250,000 fighting men. We would be acting on the defensive; you on the offensive. We would be contending for rights considered vital to us; you for power, or else for speculative philanthropy. We would be engaged around our altars and fire-sides; you would be employed far from your household gods. But it has been said by some that the South has a source of peculiar weakness in her slave property. I controvert the proposition. In all wars, the belligerent nations have much the larger part of their population engaged in the work of production. We should necessarily require the labor of our three millions of slaves, or such of them as are of working age, in raising supplies for the country and the army, and would find need for as many whites besides, in the same business. Of the three millions of slaves, a larger number would be engaged in the business of production than would be the case if they were whites, because more of the females could be employed in field labor in the one case than the other. To this extent our slaves would be a source of strength rather than weakness. This advantage might be counterbalanced, and probably would, by the escape of a few from the slave States to the abolition States, or else to the northern army. But these escapes would be comparatively few, and insurrections never. For these, a time of repose and security is necessary. Plans are to be laid, concert of action is to be gotten up; and among a population too, that do not, to any great extent, read, or write, or travel about. In time of war, when the clash of arms is heard around, and those who cannot go to the battle field, are daily and nightly on the beat, with guns in hand, then, sir, the spirit of insurrection lies dormant. What insurrections have ever occurred in this country in time of war? So far from it, slaves have often been found anxious to fight for their masters, and side by side with them. I contend, on the other hand, that there would be many elements of weakness in the northern States. Break up the relations between North and South, and your coasting and carrying business will be broken up, and a large commercial interest would call out for peace. The raw material would be taken from your factories to a great extent, and a large manufacturing interest would rise up and clamor for peace. The markets for northern goods would be taken away, and a very extensive mercantile interest would, with uplifted hands, beseech for peace. With all these interests interposing themselves in the way of war, how long could it be kept up? Northern men! let me commend these things to your dispassionate consideration, and ask you to test them in the light of history. The great military powers of the world have nearly all been large slaveholding nations—the Jews, the Grecians, the Romans, and the Goths. In our own revolutionary struggle we were all slaveholding States, and three millions of such people successfully defended themselves against twenty millions of non-slaveholders.

If you say that there were very few slaves at the North, I answer, that, according to General Knox's report, the South, where most of the slaves were, "bore more than her proportional share" in the men furnished, as she did also in its expenses and its battles. In the Mexican war, we furnished more than our share of men, and have never been behind. I claim no particular credit for it to our section. It has been the result of peculiar circumstances, perhaps; but it shows how far it is true as charged that we are weakened by slavery. We, too, are an agricultural people; you are to a great extent commercial and manufacturing. The history of nations shows nothing more clearly, than that agricultural people are the strongest, especially for defensive war.

Can it be doubted, that the idea of holding the South in this Union by force if she resolves to leave it, involves a moral impossibility, a political wrong, and a physical impossibility? I do not think there is room for doubt. By all this, I do not mean to be understood as saying that the time for disunion has arrived. On the contrary, I desire that such a time may never come, and to prevent it, in my judgment, it is necessary that parties should understand each other, and the state of their relations Let not northern gentlemen think to say we are the majority, and will give loose to our unbridled will. The minority has terrible power, if you call it out. Think not to pass unconstitutional and oppressive laws, and enforce them by the sword. This Union is based not upon the sword, but upon the interest of its several members. It is held together, not by the iron chains of power, but by the silken cords of affection. Well has it been said,

"Stout were the hearts, and strong the minds
Of those who framed, in high debate,
The immortal league of *love*, that binds
Our fair broad empire State with State."

We must commend this Government to the interest of all, by a course of strict and impartial justice. We must gather around it the love and affection of all, by conciliation and kindness. Not only the deliberate opinions, but as far as possible the feelings of the different sections must be respected. Above all, we must keep this Government to its legitimate and clearly constitutional powers. Even doubtful powers must be avoided. The structure of our system is to be maintained in form and vigor, by keeping it upon its proper base, rather than by seeking to stay it by props when it has begun to tumble. If we shall be able to learn these lessons of wisdom from our present dangers, we shall be early able to remove them. The Missouri Compromise, in its real intent and meaning—that by which the North has gained so much, and to which the South has adhered so faithfully—can be re-enacted, and other suitable measures speedily framed. Then we shall have occasion to rejoice that this crisis ever arose. It will be a grand era in our history—it will constitute a new point of departure whence, forgetting the bitterness of the past, and remembering only its glories, we shall enter upon a future growing brighter, till in the far distance it will be spanned by the bow of perpetual peace and promise.

* I have not spoken here of the instances in which the ordinance of 1787 had been applied to different parts of the Northwestern Territory. Those instances were considered only as carrying out a contract, pre-existent to the Constitution, and recognized therein, of course only to the extent of its original scope.

☞ The *Nashville Banner*, which makes light of the proceedings of the Southern Convention, puts forth such stern admonitions as the following.

"We repeat—let the North now take heed! The time is at hand when the South will be as a unit on the question—not to contend for mere abstractions, but under the lead of other men than those lately assembled here, to repel unendurable wrong; under wiser counsels, to vindicate at least her honor, even if her rights can no longer be maintained. The great body o the American people, North and South, have the credit of possessing common sense—of knowing the value of what they have in possession. Let them now, if they would indeed have their children inherit the blessings they enjoy, come to the rescue of the Republic against fanaticism, wherever it may rear its hideous front. Let them feel that the crisis is nearly reached—that the public mind must be quieted, or the glories which have been the admiration of all lands will pass away like "the baseless fabric of a vision.""

MANUFACTURERS AND THE OPERATIVES.—We extract the following interesting passage from the the acts of the Federal Government, cannot dearticle entitled "*Commercial Chronicle and Review*, in the June number of *Hunt's Merchant's Magazine.* The writer is speaking of Lowell:

"During the past year there has been a growing difficulty in procuring hands, and many looms have been idle from the impossibility of procuring them at such wages as would leave any profit to the companies. It has doubtless been the case that the high prices of the raw material have prevented the ability to advance wages, and it is also the case that the character of the hands is changing—that is to say, the females now employed are Irish immigrants to a greater extent than ever before, and these drive out the American girls, in spite of the wishes or interests of the factory agents. Necessity compelled the employment of some of these, and when once taken in, emmigrants have at their heels numberless relatives to be sent for, and these must have places.

"When business is pressing, each week brings new hands seeking labor, and the agent finds, with their well known clanishness that the old hands apply for situations for newly arrived friends. If he resists, he is shortly told that another place is open where all can get work together. To keep his old hands, therefore, he is compelled to take the new ones, and this only lays the foundation for more extensive future arrivals. By this process it is that the population of Lowell is becoming altogether Irish. This fact would indicate that the misfortunes of Ireland are not altogether owing to the characters of the people, but to the absence of capital and of enterprize among those who can command it. The course of affairs, however, makes the number of American employees annually less, hastening the period when Lowell will become a second Manchester. The spread of manufactures in other regions of the United States is more rapid than in Lowell, if we are guided by the quantity of cotton taken annually for consumption from the ports, as follows:

	1840.	1850.	In'c. pr. ct.
Consumed at Lowell	47,112	7 626	67
" elsewhere	247,888	439 380	78.
Total,	295,000	518,000	

"This is exclusive of the considerable increase which has taken place in western and southwestern factories that obtain their cotton direct from the plantations.

"The continued improvements which are being made in machinery, and the use of steam power, are constantly making the high water rents of Lowell more burdensome, and the probability is that circumstances of cheaper power, and easier and cheaper access both to markets and raw material, will continue to cause the more rapid extension of manufactures into new and Southern States. In the latter particularly, the mass of unemployed white labor that can be directed to the profitable production of fabrics, is such as to make a material change in the prosperity of that region, which has certainly progressed less rapidly in wealth since the numbers of unproductive whites have increased to an important figure."

The citizens of Austin have held a large and enthusiastic meeting, at which Chief Justice Hemphill presided. A voluminous report and a number of spirited resolutions were adopted. The meeting urges upon the people of the State the necessity of holding similar meetings in every county, to bring about prompt action in regard to Santa Ee.